

SECOND REGULAR SESSION

HOUSE BILL NO. 1426

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES KRATKY (Sponsor), ANDERS, CARTER, SMITH (71),
SCHUPP, JONES (63), McDONALD, PACE AND OXFORD (Co-sponsors).

4723L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 571.030, RSMo, and to enact in lieu thereof one new section relating to unlawful use of a weapon, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 571.030, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.030, to read as follows:

571.030. 1. A person commits the crime of unlawful use of weapons if he or she knowingly:

(1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, or any building or structure used for the assembling of people; or

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

(5) Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense;

(6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building; or

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 (7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or
18 across a public highway or discharges or shoots a firearm into any outbuilding; or

19 (8) Carries a firearm or any other weapon readily capable of lethal use into any church
20 or place where people have assembled for worship, or into any election precinct on any election
21 day, or into any building owned or occupied by any agency of the federal government, state
22 government, or political subdivision thereof; or

23 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section
24 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any
25 building or habitable structure, unless the person was lawfully acting in self-defense; or

26 (10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable
27 of lethal use into any school, onto any school bus, or onto the premises of any function or activity
28 sponsored or sanctioned by school officials or the district school board;

29 **(11) Possesses a firearm while also knowingly in possession of controlled substances**
30 **that are sufficient for a felony violation under section 195.202.**

31 2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the
32 persons described in this subsection, regardless of whether such uses are reasonably associated
33 with or are necessary to the fulfillment of such person's official duties except as otherwise
34 provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section
35 shall not apply to or affect any of the following persons, when such uses are reasonably
36 associated with or are necessary to the fulfillment of such person's official duties, except as
37 otherwise provided in this subsection:

38 (1) All state, county and municipal peace officers who have completed the training
39 required by the police officer standards and training commission pursuant to sections 590.030
40 to 590.050 and who possess the duty and power of arrest for violation of the general criminal
41 laws of the state or for violation of ordinances of counties or municipalities of the state, whether
42 such officers are on or off duty, and whether such officers are within or outside of the law
43 enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection
44 11 of this section, and who carry the identification defined in subsection 12 of this section, or
45 any person summoned by such officers to assist in making arrests or preserving the peace while
46 actually engaged in assisting such officer;

47 (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other
48 institutions for the detention of persons accused or convicted of crime;

49 (3) Members of the armed forces or national guard while performing their official duty;

50 (4) Those persons vested by article V, section 1 of the Constitution of Missouri with the
51 judicial power of the state and those persons vested by Article III of the Constitution of the
52 United States with the judicial power of the United States, the members of the federal judiciary;

53 (5) Any person whose bona fide duty is to execute process, civil or criminal;

54 (6) Any federal probation officer or federal flight deck officer as defined under the
55 federal flight deck officer program, 49 U.S.C. Section 44921 regardless of whether such officers
56 are on duty, or within the law enforcement agency's jurisdiction;

57 (7) Any state probation or parole officer, including supervisors and members of the
58 board of probation and parole;

59 (8) Any corporate security advisor meeting the definition and fulfilling the requirements
60 of the regulations established by the board of police commissioners under section 84.340;

61 (9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

62 (10) Any prosecuting attorney or assistant prosecuting attorney or any circuit attorney
63 or assistant circuit attorney who has completed the firearms safety training course required under
64 subsection 2 of section 571.111; and

65 (11) Any member of a fire department or fire protection district who is employed on a
66 full-time basis as a fire investigator and who has a valid concealed carry endorsement under
67 section 571.111 when such uses are reasonably associated with or are necessary to the fulfillment
68 of such person's official duties.

69 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when
70 the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when
71 ammunition is not readily accessible or when such weapons are not readily accessible.
72 Subdivision (1) of subsection 1 of this section does not apply to any person twenty-one years of
73 age or older transporting a concealable firearm in the passenger compartment of a motor vehicle,
74 so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also
75 in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in
76 his or her dwelling unit or upon premises over which the actor has possession, authority or
77 control, or is traveling in a continuous journey peaceably through this state. Subdivision (10)
78 of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by
79 a person while traversing school premises for the purposes of transporting a student to or from
80 school, or possessed by an adult for the purposes of facilitation of a school-sanctioned
81 firearm-related event or club event.

82 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any
83 person who has a valid concealed carry endorsement issued pursuant to sections 571.101 to
84 571.121 or a valid permit or endorsement to carry concealed firearms issued by another state or
85 political subdivision of another state.

86 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall
87 not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

88 6. Nothing in this section shall make it unlawful for a student to actually participate in
89 school-sanctioned gun safety courses, student military or ROTC courses, or other
90 school-sponsored or club-sponsored firearm-related events, provided the student does not carry
91 a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or
92 onto the premises of any other function or activity sponsored or sanctioned by school officials
93 or the district school board.

94 7. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision
95 (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or
96 subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor
97 if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of
98 subsection 1 of this section, in which case it is a class B felony, except that if the violation of
99 subdivision (9) of subsection 1 of this section results in injury or death to another person, it is
100 a class A felony.

101 8. Violations of subdivision (9) of subsection 1 of this section shall be punished as
102 follows:

103 (1) For the first violation a person shall be sentenced to the maximum authorized term
104 of imprisonment for a class B felony;

105 (2) For any violation by a prior offender as defined in section 558.016, a person shall be
106 sentenced to the maximum authorized term of imprisonment for a class B felony without the
107 possibility of parole, probation or conditional release for a term of ten years;

108 (3) For any violation by a persistent offender as defined in section 558.016, a person
109 shall be sentenced to the maximum authorized term of imprisonment for a class B felony without
110 the possibility of parole, probation, or conditional release;

111 (4) For any violation which results in injury or death to another person, a person shall
112 be sentenced to an authorized disposition for a class A felony.

113 9. Any person knowingly aiding or abetting any other person in the violation of
114 subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that
115 prescribed by this section for violations by other persons.

116 10. Notwithstanding any other provision of law, no person who pleads guilty to or is
117 found guilty of a felony violation of subsection 1 of this section shall receive a suspended
118 imposition of sentence if such person has previously received a suspended imposition of sentence
119 for any other firearms- or weapons-related felony offense.

120 11. As used in this section "qualified retired peace officer" means an individual who:

121 (1) Retired in good standing from service with a public agency as a peace officer, other
122 than for reasons of mental instability;

123 (2) Before such retirement, was authorized by law to engage in or supervise the
124 prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any
125 violation of law, and had statutory powers of arrest;

126 (3) Before such retirement, was regularly employed as a peace officer for an aggregate
127 of fifteen years or more, or retired from service with such agency, after completing any
128 applicable probationary period of such service, due to a service-connected disability, as
129 determined by such agency;

130 (4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such
131 a plan is available;

132 (5) During the most recent twelve-month period, has met, at the expense of the
133 individual, the standards for training and qualification for active peace officers to carry firearms;

134 (6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or
135 substance; and

136 (7) Is not prohibited by federal law from receiving a firearm.

137 12. The identification required by subdivision (1) of subsection 2 of this section is:

138 (1) A photographic identification issued by the agency from which the individual retired
139 from service as a peace officer that indicates that the individual has, not less recently than one
140 year before the date the individual is carrying the concealed firearm, been tested or otherwise
141 found by the agency to meet the standards established by the agency for training and qualification
142 for active peace officers to carry a firearm of the same type as the concealed firearm; or

143 (2) A photographic identification issued by the agency from which the individual retired
144 from service as a peace officer; and

145 (3) A certification issued by the state in which the individual resides that indicates that
146 the individual has, not less recently than one year before the date the individual is carrying the
147 concealed firearm, been tested or otherwise found by the state to meet the standards established
148 by the state for training and qualification for active peace officers to carry a firearm of the same
149 type as the concealed firearm.

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